

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

**JAMES MACK,
aka "Kiko,"**

Defendant.

) Criminal No. 5:20-CR- 182 (DNH)
)
)
) **Indictment**
)
) Violations: 21 U.S.C. § 841(a)(1)
) [Possession with Intent to
) Distribute Controlled
) Substances]
)
) 18 U.S.C. § 924(c)(1)(A)
) [Possession of a Firearm in
) Furtherance of a Drug
) Trafficking Crime]
)
) 18 U.S.C. § 922(g)(1)
) [Felon in Possession of a
) Firearm]
)
)
) Three Counts & Forfeiture Allegation
)
) County of Offense: Onondaga

THE GRAND JURY CHARGES:

COUNT ONE

[Possession with Intent to Distribute Controlled Substances]

On or about February 12, 2020, in Onondaga County in the Northern District of New York,
the defendant,

JAMES MACK,

knowingly and intentionally possessed with intent to distribute controlled substances, in violation
of Title 21, United States Code, Section 841(a)(1). That violation involved twenty-eight (28) grams

or more of a mixture and substance which contained cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(B), and cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(C).

Before the defendant committed the offense charged in this count, the defendant had a final prior conviction for a serious drug felony, that is, a conviction for possession with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), in United States District Court for the Northern District of New York, on or about December 12, 2011, for which a maximum term of imprisonment of ten years or more is prescribed by law, for which he served more than 12 months of imprisonment, and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

COUNT TWO

[Possession of a Firearm in Furtherance of a Drug Trafficking Crime]

On or about February 12, 2020, in Onondaga County in the Northern District of New York, the defendant,

JAMES MACK,

in furtherance of a drug trafficking crime for which he may be prosecuted in a court in the United States, that is: possession with the intent to distribute one or more controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), knowingly possessed the following firearm: a .38 caliber Charter Arms revolver with serial number 13842, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT THREE
[Felon in Possession of a Firearm]

On or about February 12, 2020, in Onondaga County in the Northern District of New York,
the defendant,

JAMES MACK,

knowing that he previously had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting commerce a firearm, which previously had been shipped and transported in interstate commerce, specifically: a .38 caliber Charter Arms revolver with serial number 13842, manufactured in Connecticut, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURE ALLEGATION

1. The allegations contained in Counts Two and Three of this indictment are hereby realleged and incorporated by reference herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) by Title 28, United States Code, Section 2461(c).

2. Upon conviction of an offense in violation of Title 18, United States Code, Section 924(c)(1)(A), as set forth in Count Two of this indictment, and an offense in violation of Title 18, United States Code, Section 922(g)(1), as set forth in Count Three of this indictment, the defendant, **JAMES MACK**, shall forfeit to the United States of America, any firearm involved in the knowing commission of the offense.

3. The property to be forfeited is one (1) .38 caliber Charter Arms revolver with serial number 13842.

Dated: July 15, 2020

A TRUE BILL

Grand Jury Foreperson

GRANT C. JAQUITH
United States Attorney

By:

Carla Freedman

Carla Freedman
Assistant United States Attorney
Bar Roll No. 514723